

U.S. Patent Application Serial No. **10/519,410**
Response filed August 30, 2007
Reply to OA dated May 2, 2007

REMARKS

Claims 1-15 are pending in this application. No amendment is made in this Response. It is believed that this Response is fully responsive to the Office Action dated **May 2, 2007**.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada (US 6,326,440) in view of Yamada (WO 03022927, US 20050043462 is used as an equivalent English Translation). (Office action paragraph no. 1)

The rejection is respectfully overcome by Applicant's assertion of the claim for foreign priority in the present application.

The effective U.S. filing date of the present application is **July 7, 2003**, the filing date of PCT/JP2003/008590, of which the present application is a 371 national stage. The present application also claims foreign priority of Japanese application 2002-198829, filed **July 8, 2002**.

Applicant notes that cited reference Yamada (U.S. Patent Publication 2005/0043462) is the publication of USSN 10/488,498, filed March 2, 2004, claiming priority of PCT/JP02/08956, filed on September 3, 2002. Yamada et al. U.S. Patent Publication '462 could be prior art under 35 U.S.C. 102(e)(1) only as of its filing date of March 2, 2004, and therefore, by itself, is **not prior art** for the present application.

U.S. Patent Application Serial No. **10/519,410**
Response filed August 30, 2007
Reply to OA dated May 2, 2007

In addition, Applicant's understanding is that Yamada et al. WO '927 was published in **Japanese**. Therefore, the international application PCT/JP02/08956 **cannot be cited as prior art under 35 U.S.C. 102(e)(2)**.

In addition, Applicant's understanding is that the publication date of Yamada WO '927 was March 20, 2003. Therefore, WO '927 is prior art **only under 35 U.S.C. 102(a) as of March 20, 2003**. The Yamada reference can therefore be removed as prior art by assertion of the claim for foreign priority (July 8, 2002) in the present application.

To perfect the claim for foreign priority, Applicant has attached a verified English translation of the priority document, Japanese application 2002-198829. Applicant submits that the pending claims are fully supported by the priority document, as follows:

<u>Pending claims</u>	<u>Priority document JP 2002-198829</u>
1-4	Claims 1-4, respectively, and ¶ [0018], p. 17, line 4 of translation
5	Claim 1 and ¶ [0024], see pp.20-21 of translation, and ¶ [0018]
6	Claim 1, ¶ [0003], see p. 6, lines 2-3 of translation, and ¶ [0018]
7	Claim 1 and ¶ [0003], [0024], and [0018]
8	Claim 6 and ¶ [0018]
9	Claim 7 and ¶ [0018]
10	Claim 6 and ¶ [0018]
11	Claim 7 and ¶ [0018]
12	¶ [0004], page 7, lines 3-4, of translation
13-15	¶ [0004], page 7, lines 7-13, of translation

Yamada (WO 03022927) is thereby removed as prior art, and claims 1-15 are not obvious over Terada (US 6,326,440).

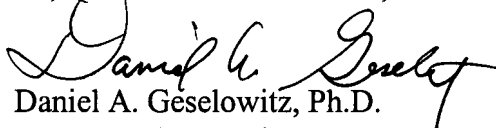
U.S. Patent Application Serial No. **10/519,410**
Response filed August 30, 2007
Reply to OA dated May 2, 2007

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


Daniel A. Geselowitz, Ph.D.

Agent for Applicant
Reg. No. 42,573

DAG/x1
Atty. Docket No. **040707**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosure: Verified English translation of priority document: JP 2002-198829
Petition for Extension of Time

H:\HOME\XLU\040\040707\Response in re FOA of 05-02-07